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ABSTRACT

This report contains four papers presented at conferences jointly sponsored by trade unionists and members of the academic community. As explained in the introduction by Michael E. Gordon, the papers focus on grievance procedures, examining both recent research on the topic and its implications for organized labor. The following papers are included: (1) "Institutional Contributions from Studying the Union Grievance Procedure" (Richard B. Peterson, David Lewin); (2) "Behavioral Research on Grievance Administration" (Michael E. Gordon, Gerald E. Fryxell); (3) "Building Member Commitment to the Union: The Role of the Grievance Procedure" (Paul F. Clark, Daniel G. Gallagher); and (4) "Grievance Resolution--The TVA Tennessee Valley Authority Experience" (Donna L. Wilson-Renner, James Eickman). (KC)

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VOLUME 1 NUMBER 3 December 1989

WORK PLACE TOPICS

SOCIAL SCIENCE RESEARCH AND THE GRIEVANCE ARBITRATION PROCEDURE

INTRODUCTION
Professor Michael E. Gordon
Rutgers University

INSTITUTIONAL CONTRIBUTIONS FROM STUDYING THE UNION GRIEVANCE PROCEDURE
Professor Richard B. Peterson and *Professor David Lewin*
University of Washington *Columbia University*

BEHAVIORAL RESEARCH ON GRIEVANCE ADMINISTRATION
Professor Michael E. Gordon and *Gerald E. Fryxell*
Rutgers University *University of Tennessee*

BUILDING MEMBER COMMITMENT TO THE UNION: THE ROLE OF THE GRIEVANCE PROCEDURE
Paul F. Clark and *Daniel G. Gallagher*
Pennsylvania State University *James Madison University*

GRIEVANCE RESOLUTION – THE TVA EXPERIENCE
Donna L. Wilson-Renner and James Eickman
TVA Engineering Association

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Dear Reader:

Trade Unionists and members of the academic community have long needed an occasional publication in which to share work of scholarly merit and views. We hope this effort will help fill this need.

The work we plan to publish in WORK PLACE TOPICS will include papers we share at jointly sponsored conferences: for example, the Symposium On Economic, Social and Workplace Challenges, jointly sponsored with Cornell University, Division of Extension and Public Service, as well as the Building Bridges Conference with the American Psychological Association.

Additional papers will be considered for publication, with the basic goal of communication between the academic community and trade union practitioners.

Please address suggestions to the Economic Research Department, AFL-CIO, 815 16th Street, N.W., Washington, D.C. 20006.

Sincerely,

Rudy Oswald
Director

AFL-CIO
DEPARTMENT OF ECONOMIC RESEARCH

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Volume 1, Number 3, December 1989

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Introduction

by
Michael E. Gordon
Rutgers University

One of the most immediate and significant matters confronting trade union officials is grievance administration. Considered by some scholars of industrial relations to be the most important American innovation in collective bargaining, grievance systems permit disagreements which may arise over interpretation of contract language to be resolved without recourse to economic force, i.e., lockouts or strikes. By creating a system of industrial jurisprudence through direct negotiations with management, trade unions help to guarantee due process for their constituents.

Although neglected for many years, research on grievance procedures has become a more popular subject of study. Recent work is important because it examines both the contextual factors that influence the manner in which grievance systems operate, and individual factors that reflect how grievance systems affect workers and their relationships with their union and management. This research and its implications for organized labor will be the focus of this Work Place Topics.

Our first paper by Professors Richard Peterson and David Lewin is devoted to the institutional aspects of grievance administration. After examining the structural characteristics of grievance systems (e.g., the hierarchy of grievance review and innovations that expedite resolution), Peterson and Lewin summarize the findings of their recently completed study of grievance administration in four industries. The personal and institutional costs of grievance activity are reported, and these are linked to policy recommendations that emphasize the problem-solving role of grievance administration in order to facilitate due process and the attainment of equity.

In the second paper, Prof. Gerald Fryxell and I provide an overview of behavioral research on grievances. Issues that have attracted attention are reported, and trade unions are alerted to the representational issues raised by some of these topics. The paper concludes by presenting the results of studies we conducted in eight unions which suggest that grievance administration, particularly the procedural justice it affords, is strongly related to members' satisfaction with their unions.

Professors Paul Clark and Daniel Gallagher offer a close look at a research project on grievance administration conducted in behalf of the National Association of Letter Carriers. Their findings support those of the previous paper in several ways. Their analysis identified several distinct attitudes toward the grievance system, two of which parallel the procedural and distributive justice concepts reported by Gordon and Fryxell. Also, attitudes about the grievance system, primarily procedural justice, are closely related to members' attitudes toward the union, in this instance commitment to the union. Clark and Gallagher discuss at length steps that trade unions might consider to improve grievance handling and, quite possibly, strengthen ties with their members.

Our final paper is written from the perspective of union officials responsible for providing workplace justice while confronted by a cumbersome structure of contract and employer personnel policy. Geographic and administrative decentralization of the company further complicate the resolution of grievances. In this complex industrial relations environment, Donna Wilson-Renner and James Eickman of the Tennessee Valley Authority Engineering Association report that a clinical rather than legal approach to grievance administration best serves the interests of both workers and management. Mediation attempts by hearing officers, combined with a problem-solving orientation by representatives of both parties, are considered to contribute most to the effective resolution of disputes.

Although the authors contributing to Work Place Topics represent a variety of professions and academic backgrounds, their messages reinforce one another, nonetheless. Clearly, the manner in which contract administration responsibilities are handled, especially the assurance of procedural justice, is strongly related to member satisfaction with and commitment to the union. Further, practical experience supports behavioral research in recommending a problem-solving approach to the resolution of grievances where employers are receptive to a less legalistic doctrine of contract administration. While efficiently settling specific matters arising from contract interpretation, this approach also deals with underlying issues of contention separating workers and management, thereby promoting more equitable and productive relations between the parties and strengthening the union.

Institutional Contributions From Studying
The Union Grievance Procedure
by

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Grievance activity in this country goes back to the very earliest days of the labor movement when skilled workers raised "beefs" about their wages, hours, and working conditions. The inability of individual workers to gain redress from their employer for alleged violations of the informal "working rules" explains a large part of why cordwainers, carpenters, and printers formed unions in the early 1800s to bargain with the employer. Journeymen in the various trades no longer felt that their individual "voice" counted for much in dealing with the master journeyman or employer. Some type of collective action was required.

The situation hasn't changed all that dramatically in the intervening years. Various national opinion polls in the late 1970s and 1980s still show that a fairly large minority of union and nonunion employees voice dissatisfaction with various elements of their work situation. While a number of employers have established grievance processes for their nonunion staff, a very small number of these nonunion grievance procedures meet the standards of due process (according to Epstein). Furthermore, the limited research reported by Peterson and Lewin so far suggests the employees rarely use the process when compared to the experience in the unionized sector.*

Our paper will focus primarily on the institutional aspects of grievance activity, as well as summarize what contributions industrial relations researchers have provided us about the union grievance process. We will begin by addressing the institutional aspects of union grievance activity by looking at such issues as the evolution of the grievance process; prevalence of grievance language in labor contracts; grievance frequency; value of the grievance procedure to the union and employee; functions of the grievance procedure; its characteristics or elements; and notable innovations in grievance handling. The other section of this paper will highlight what industrial relations researchers have to share with labor relations practitioners about the grievance process. Particular attention will be given to the insights we have gained from our recently completed study of grievance activity in four industries/sectors of the American economy. The research, the first study to examine grievance procedures across the private, public, and not-for-profit sectors, provides an update of the classic studies of grievance systems conducted in the 1960s. In addition to presenting behavioral and attitudinal data, ours is the first major study to report the consequences to grievants resulting from use of the procedure.

*** Note: Bibliography at end of chapter**

Institutional Aspects

What do we mean when we use the terms "grievance" in the union sector? In its broadest sense, a grievance can involve any gripe or complaint by an employee concerning the employment relationship. However, most labor contracts define a grievance in a narrower manner as a dispute relating to the proper interpretation or application of the collective bargaining agreement. A typical grievance procedure in a collective bargaining agreement includes a 3 to 5 step procedure beginning with an informal discussion of the grievance between the employee and his or her immediate supervisor. The final step in almost all union grievance procedures is final and binding arbitration by a third party neutral. Access to binding arbitration is just one characteristic that differentiates the union grievance procedure from its counterpart in the nonunion sector.

Unionized grievance activity has evolved over many decades. Going back to the late 19th century, it was not uncommon in the construction industry to find situations where the union workers might walk off the job if they couldn't resolve a serious grievance with management concerning what trades were responsible for what work. According to Robben Fleming, Paul Prasow and Ed Peters prior to World War II, it was common practice to use mediation rather than arbitration where the two parties were unable to resolve a dispute that arose during the life of the labor agreement.

Then during World War II mediation slowly gave way to binding arbitration. The War Labor Board had been created to establish machinery that would minimize the effects of strikes and other workplace conflict. Since most strikes were technically illegal during the War, another mechanism had to be provided. Grievance arbitration became the accepted approach whereby members of the War Labor Board would render decisions on the issues in interest disputes. The national interest at the time took precedence over any concerns that union and management had about the power of the arbitrator.

The parties continued to use labor arbitration as the final step in rights disputes until the early 1950s when some employers contested the legal foundation for arbitrating the dispute. The subsequent decisions of the U.S. Supreme Court in the Lincoln Mills (1957) and the Steelworker Trilogy (1960) cases laid the legal foundation for the use of binding arbitration by a third party neutral that continues to this day.

How Common are Grievance Clauses in Labor Contracts?

Virtually all private sector collective bargaining agreements include grievance language because of the importance to both parties that there be some mechanism for resolving disputes during the life of the contract. The most common situation (in over 95% of labor contracts) provides for final and binding arbitration by a neutral third party. Similar grievance language is found in the vast majority of public sector union contracts. Except here, the grieving employee may be given the option of exercising his rights under the labor contract or through civil service rules.

What is the Extent of Grievance Activity?

It is virtually impossible to give a totally accurate answer to the question for several reasons. First, the initial step in most grievance procedures calls for oral discussion between the grieving employee and his or her boss. Many contracts specifically state that the grievance will only be written up if the two parties can't resolve the dispute through this initial discussion. Thus, neither union representatives nor the organization's labor relations staff are aware of every grievance since they are not present.

Second, even if local company and union representatives are aware of a particular grievance, there is no assurance that the information will necessarily be reported to representatives of the international union or corporate staff if the case is resolved at the lowest steps. Finally, our experience in studying the grievance procedure in some firms leaves us with a distinct impression that not even all written grievances are recorded by the parties.

Given these limitations, it is still possible to estimate the likely number of grievances filed under a union grievance clause by looking at the number of arbitration awards rendered by arbitrators chosen through the Federal Mediation and Conciliation Service and American Arbitration Association panels. We estimated that in 1986 there may have been as many as 1,200,000 written grievances filed under a collective bargaining agreement (Lewin and Peterson). This figure is roughly equivalent to one written grievance per 15 union members in the labor force. Records from the FMCS and AAA suggest that some 10-11,000 grievances per year culminate in an arbitration award. However, not all arbitrators are chosen from these two panels.

What is the Value of the Grievance Procedure?

Why is grievance handling so important for unions? First, it provides a "voice" mechanism whereby union members and those covered by the contract can exercise their right to grieve some action by management. Second, the union benefits when its members feel that their representatives are handling their grievances in a prompt and competent manner. Finally, grievance handling takes considerable time – far beyond the hours given over to renegotiating the labor contract. If union representatives are effective in processing and resolving grievances, it enhances the political clout of the union with management, and becomes a selling point in union organizing campaigns.

What are the Primary Functions of Grievance Handling?

James Kuhn identified four major functions of the grievance procedure in the union setting. One critical function is to ensure compliance with the labor contract. Here, the business agent or international representative may serve as the "policeman" to see that the employer is abiding by the language and intent of the collective bargaining agreement. Prior to the 1960s when binding arbitration was implemented widely, the union had more limited enforcement powers in pressuring the employer to comply.

Kuhn identifies the second function of the grievance process as adjudicative in nature; namely, when it is not possible for the union and management to settle the matter themselves at lower steps of the grievance procedure, the case can be referred to a qualified third party who will hear the case and render a binding decision. Thus, the union doesn't have to resort to strikes and walkouts, and management doesn't have to fear the cost of such actions. The very presence of arbitration language often serves as a powerful incentive for the parties to eventually resolve a "sticky" grievance themselves.

A third function of the grievance process is the administrative function. Key representatives develop problem-solving and other administrative skills that lead to the establishing of precedents and interpretations that minimize the need to constantly reinvent the wheel.

Finally, the grievance process serves a political function of placing pressure on management to gain particular concessions for one or more interest groups within the union. The research of James Kuhn, Leonard Sayles, and others is particularly important here in showing the political skills of specific occupational work groups. It is important that union officials are aware of the nature and purposes of what Kuhn calls "fractionated" bargaining by groups within the bargaining unit.

What are the Major Characteristics of the Grievance Procedure?

Past research shows that there is no universal "boiler-plate" grievance procedure. Rather, grievance procedures vary according to the degree of formality, character of representation, regulation of grievance activity, and other special cases.

We find that grievance language varies in formality regarding such factors as specifications for written grievances, time limits for responses at each step, and who is to represent each party at the various steps of the grievance procedure. Labor contracts provide general or specific language regarding how much time a shop steward or grievance committee member can spend on grievance

handling. Most labor agreements require the employer to pay union representatives for work time lost while processing grievances. Finally, collective bargaining agreements vary in terms of whether or not there are special provisions for expediting discharge, suspension, and layoff cases as a means of more quickly resolving the grievance.

Are There Any Recent Innovations in Grievance Handling?

It is well to keep in mind that prior to World War II the most common situation was for union and management to use problem-solving, informal negotiations, and mediation to resolve many grievances. Arbitration was rarely an alternative.

For some years critics have spoken out against the tendency for grievance handling to be more formal and legalistic than before. This has resulted in complaints that where the parties must resolve the grievance dispute before an arbitrator, the process is slow and costly. It is estimated that the costs of an arbitrator's services alone exceeds $1,000 per case. It is not unusual for a year to pass between the time the grievance is originally filed to the rendering of an arbitration award. Three innovations – expedited arbitration, grievance mediation, and problem-solving – have been proposed as ways of responding to some of the complaints.

Expedited arbitration *is a process whereby the arbitrator hears the dispute and then either renders a bench decision or hands down an award within forty-eight hours from the close of the hearing. This saves considerable time involved in the parties' filing post-hearing briefs and the arbitrator writing a long award. Research by Marcus Sandver, Harry Blaine, and Mark Woyer of expedited arbitration in five separate organizations showed the expedited procedure resulting in both reduction of time delays and costs.*

Grievance mediation *involves the use of a third party neutral who has mediation skills where the parties are unable to resolve the dispute at the lower steps of the procedure, but choose to use mediation as an intermediate step prior to arbitrating the dispute. It's attractiveness is based primarily on saving time and costs. Research by Gordon Gregory and Robert Rooney, Mollie Bowers and Jeanne Brett, and Stephen Goldberg confirms the benefits of using grievance mediation as an alternative to arbitrating the dispute. If mediation is unsuccessful, the parties still have the right to use arbitration. It appears that most parties involved (union, management, and grievant) have positive appraisals of grievance mediation.*

Finally, there seems to be a resurgence of problem-solving as a method of addressing grievances. Recent field research by us in several organizations uncovered new contract language encouraging the use of problem-solving or using problem-solving as an alternative to more traditional formal grievance approaches. In one case, the parties find that most of their recent grievances are being handled through problem-solving rather than through the normal formal grievance procedure. Each case is handled separately on its merits. There is less fear of setting precedence under this procedure for both parties so the union and employer can focus on the particular case.

Contributions from an Industrial Relations Perspective

We have identified approximately 40 studies of the union grievance procedure that have been published generally from an industrial relations perspective covering the period from the late 1940s to the present. We will highlight some of the more important findings as they may be of help to unions in carrying out their responsibilities for contract administration. Then we will report some of the key insights from our recent study of the union grievance procedure in four sectors or industries.

Contributions from Multiple Studies

Slichter, Healy and Livernash provide perhaps the best descriptive treatment of the unionized grievance as it was commonly found in the 1950s in the United States. It is a good place to begin if one wants an overview. The danger, however, is that times have changed in the past 30 years so that some of the information will not be totally accurate today. Andrew Thomson provides a solid, overall description of the grievance procedure in private sector bargaining through his update published in the mid 1970s.

Leonard Sayles, and later Nelson, have looked at the type of work groups that are most likely to file grievances. They found that the highest skilled workers were, in general, the least likely to use the grievance process. They would grieve only when their status was threatened. On the other hand, semi-skilled workers in both studies consistently had the highest level of grievance activity. A likely explanation was that the semi-skilled employees at times used the grievance procedure as a means of increasing their relative power and status in the company and union. Thus, union officials need to be conscious of this situation when handling what James Kuhn defines as "fractionated" bargaining by interest groups within the union. Kuhn's study of work groups in 20 different plants provides some excellent examples of how interest groups' politics could impact the grievance process.

David Peach and Robert Livernash have singled out a variety of factors that might explain differences in grievance activity across departments in several steel firms. They found high grievance activity in those departments with rapid changes in technology, aggressive and militant union leadership, and ineffectual managerial decision making. A low grievance rate was linked to a favorable task environment which is both relatively stable and largely free from technological disturbances. We should not be surprised by their findings on technology. A stable technology provides comfort for both union and management officials. However, when there is rapid technological change, the parties need to revise and update contract language and "unwritten understandings" to take into account these changes in plant and equipment. Tension and political shifting of power often results. The recent introduction of robots, automation, and new workplace configurations (e.g. the new NUMMI plant) represent examples of how grievance activity can increase when the old work rules no longer fit the situation.

Separate studies by Ken Jennings and Dan Dalton and William Todor have shown the important role that foremen and union stewards respectively play in the operation of the grievance process. Dalton and Todor found that grievance rates were higher when the union steward was actively involved in the processing of the grievance. These findings match with some of our own results reported later in this paper. It appears that union leadership can influence the level of grievance activity by the level of their own involvement in encouraging and processing of grievances.

Some of the most notable recent studies of the grievance process have focused on the relationship between grievance activity and various indicators of organizational performance. For example, Harry Katz, Thomas Kochan, and Kenneth Gobeille (1983) and Harry Katz, Thomas Kochan, and Mark Weber (1985) found in their studies of General Motors plants that higher grievance rates were significantly negatively associated with plant performance. J.R. Norsworthy and Craig Zabala studied the relationship between grievance activity and productivity in the U.S. auto industry over an 18-year period. They found that higher grievance activity was significantly negatively associated with total factor productivity and positively related with unit production costs. Finally, Casey Ichniowski recently showed that higher grievance activity was associated with lower productivity in nine unionized paper plants over a six-year period.

Although management is likely to focus on the costs incurred from grievance activity, it must be reminded of the employee dissatisfaction that engendered the demand for due process. Union leadership needs to be aware of these findings that shape the position of many of their management counterparts. The issue might be raised, given the various benefits and costs of the union grievance process: Are there steps that unions and employers can take to improve the process by increasing the positive and reducing the negative side for the employee, union, and employer?

Our Recently Completed Grievance Study

We recently completed a major study of the union grievance process in four industries/sectors. The research involved production workers in the steel industry, white-collar employees in retail department stores, nurses in nonprofit hospitals, and public school teachers. The sample was intended to be representative of grievance experience in the private, public, and nonprofit sectors of the American economy.

The specific samples were drawn from collective bargaining relationships covering most areas of the United States. Key union and employer officials who had responsibility for grievance handling were contacted by letter, and asked to fill out an 18-page questionnaire. Follow-up interviews took place with approximately 35 knowledgeable people. Finally, we later had an opportunity to analyze personnel files of matched samples of grievant and nongrievant over a three-year period in one organization representing each of the four industries/sectors.

We received usable responses from approximately 57-58% of the 800 questionnaires mailed out – a truly satisfying result in light of the comprehensive nature of the questionnaire. We will highlight only the major findings here. We included various factors that were expected to be related to grievance procedure effectiveness. The study results showed several factors that were positively associated with such outcomes as higher grievance and arbitration rates, higher step settlements, slower settlements, greater perceived importance of grievance issues, and higher perceived equity of the grievance settlement. Those independent factors included: management and union policies to take certain grievances as far as possible through the procedure, a union policy of committing grievances to writing, an adversarial labor relations climate, and the use of expedited arbitration. It appears that, in part, the parties have some control over the level of grievance activity and feeling concerning how the grievance is resolved in terms of equity and importance of the issue. The data is clear that when the parties perceive the labor relations climate as adversarial, grievance procedure effectiveness suffers. In other works, our study provides strong support for spillover effects.

Second, and what should come as no surprise, our study showed that grievance activity was most pronounced during the period immediately preceding the negotiation or renegotiation of the collective bargaining agreement. It has been known for some time that many unions use the grievance system to signal employee concerns as well as build solidarity in case strike action is necessary.

A third finding of our study was that grievance activity varies across the industries/sectors. In general, the level of grievance and arbitration activity was highest in steel manufacturing and lowest in retail department stores during the three-year period we studied. Our results also showed considerable variation across the four industries/sectors in terms of frequency of specific grievance issues – not overly surprising in terms of the variation in working conditions, level of education, and so forth.

A fourth insight focused on the linkage between grievance activity and subsequent negotiations based on the in-depth study of the four organizations. Where a number of grievances centered around a particular issue or issues, the issue had a high probability of being addressed (and often included in the subsequent collective bargaining agreement) in the next round of negotiations.

Finally, our in-depth study suggests that there are costs of grieving for the employee and his/her immediate supervisor. Comparing personnel actions like performance ratings, promotions, absenteeism, and turnover, we found that both the grievant and their supervisors having less favorable outcomes the year after the grievance was initiated than the year before or year of filing the grievance when compared to a sample of nongrievants and their supervisors. What is interesting is the fact that on average the grievants had more favorable records than our sample of nongrievants the year before they grieved. Our data, while limited, does not show grievants to be more troublesome employees. We can't prove cause-effect relations, but it is discouraging to see that there may be a punitive side to grieving – particularly if the case is resolved in favor of the employee at higher steps of the grievance procedure.

What are the lessons to union officials? First, they should use the grievance files as a source of information to learn about what the troublesome issues are in their labor-management relationships. The grievance files are an important source of information for improving the relationship.

Second, adversary labor relations have costs for both parties that are often not considered. We have shown some of the negative impacts in terms of time, costs, and sense of fairness in the grievance administration process. There needs to be more commitment to joint gain situations.

Finally, problem-solving mechanisms in handling complaints and grievances should gain more attention and use. Our research shows that one large aerospace manufacturer and its technical-professional association have found that approximately 80% of all grievances and complaints use the problem-solving, as opposed to traditional grievance procedure, option. It is most likely that there are many fewer negative consequences for grievants and their supervisors alike under the problem-solving option. American competitiveness depends on both unions and employers optimizing commonalities rather than differences between them.

Summary

It seems clear that postwar industrial relations research on the union grievance procedure has made some important advances in helping union and employer representatives to better understand how the process works, its strengths and weaknesses, and possible changes in organizational policy in light of the contributions from these various studies. We encourage union practitioners to develop new methods and procedures for making the grievance process work better in terms of due process, speed of resolution, and equity consideration.

Bibliography

Brett, Jeanne and Stephen B. Goldberg. "Grievance Mediation in the Coal Industry," Industry and Labor Relations Review, October 1983, pp. 49-69.

Dalton, Dan R. and William D. Tudor. "Union Steward Locus of Control, Job, Union Involvement, and Grievance Behavior," Journal of Business Review, February 1982, pp. 158-169.

Epstein, Richard L. "Grievance Procedure in the Non-Union Setting: Caveat Employer," Employee Relations Law Journal, Summer 1975, pp. 120-127.

Fleming, Robben. The Labor Arbitration Process, Urbana, IL: University of Illinois Press, 1965.

Gregory, Gordon A. and Robert E. Rooney, Jr. "Grievance Mediation: A Trend in the Cost-Conscious Eighties, "Labor Law Journal, August 1988, pp. 508-520.

Ichniowski, Casey. "The Effects of Grievance Activity on Productivity," Industrial and Labor Relations Review, October 1986, pp. 75-89.

Jennings, Ken. "Foremen's Views of Their Involvement with the Union Steward in the Grievance Process," Labor Law Journal, September 1984, pp. 541-549.

Jennings, Ken. "Foremen's Views of Their Involvement with Other Management Officials in the Grievance Process, Labor Law Journal, May 1974, pp. 305-316.

Katz, Harry, Tom Kochan and Kenneth R. Gobeille. "Industrial Relations Performance, Economic Performance, and QWC Programs: An Interplant Analysis,"Industrial and Labor Relations Review, October 1983, pp. 3-17.

Katz, Harry, Tom Kochan, and Mark Weber. "Assessing the Effects of Industrial Relations Systems and Efforts to Improve the Quality of Working Life on Organizational Effectiveness," Academy of Management Journal, September 1985, pp. 509-526.

Kuhn, James W. Bargaining in Grievance Settlement: The Power of Industrial Work Groups. New York: Columbia University Press, 1961.

Lewin, David and Richard B. Peterson. Modern Grievance Procedure in the United States. New York: Greenwood Press, 1988.

Nelson, Nels E. "Grievance Rates and Technology," Academy of Management Journal, December 1979, pp. 810-815.

Norsworthy, J.R. and Craig A. Zabala. "Worker Attitudes, Work Behavior, and Productivity in the U.S. Automobile Industry, 1959-1976." Industrial and Labor Relations Review, July 1985, pp. 544-557.

Peach, David A. and E. Robert Livernash. Grievance Initiation and Resolution: A Study in Basic Steel. Boston: Graduate School of Business Administration, Harvard University, 1974.

Peterson, Richard B. and David Lewin. The Non-Union Grievance Procedure: A Viable System of Due Process?" Working Paper, 1988, pp. 26.

Prasow, Paul and Edward Peters. Arbitration and Collective Bargaining: Conflict Resolution in Labor Relations, 2nd Edition. New York: McGraw-Hill, 1983.

Sandver, Marcus, Harry R. Blaine, and Mark N. Woyar. "Time and Cost Savings Through Expedited Arbitration Procedures," The Arbitration Journal, December 1981, pp. 11-21.

Sayles, Leonard. Behavior of Industrial Work Groups. New York: McGraw-Hill, 1958.

Slichter, Summer, James J. Healy, and E. Robert Livernash. The Impact of Collective Bargaining on Management. Washington, D.C.: Brookings, 1960.

Thomson, Andrew W.J. The Grievance Procedure in the Private Sector. Ithica, NY: New York State School of Labor and Industrial Relations, Cornell University, 1974.

Behavioral Research on Grievance Administration

by
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One consequence of the years that behavioral scientists neglected research on union-management relations is that very little sound information accumulated on the effects of grievance administration on workers. The past decade, however, witnessed new interest in behavioral research on unions, part of which now encompasses the initiation and resolution of grievances. Research on grievances appears to be an ideal undertaking to forge mutually-beneficial relationships between trade unionists and academics. Industrial and social psychologists are rapidly developing a body of knowledge on the organizational structures and behavioral processes that promote justice in organizations. As the most visible and prevalent mechanism for providing workers with due process, grievance systems offer an important context for testing behavioral propositions about justice in the workplace, an issue of longstanding and considerable interest to trade unions.

Our discussion will examine research published on grievance systems. It is our intent to call attention to the limitations inherent in some of this work as well as its implications for trade unions. We also will describe a portion of our own research on grievance systems that involved eight unions and approximately 2,000 workers. Our report will emphasize those results that pertain to the different types of attitudes engendered by grievance systems and the manner in which they are related to members' satisfaction with their unions.

Overview of the Literature

Before describing recent developments, a word is in order regarding the general character of much that has been written about grievance administration, especially prior to 1980. In the absence of interested psychologists, early writers with less formal training in the study of human behavior generated a variety of propositions about workers, their grievances, and their preferences for systems of dispute resolution. Although they generated numerous prescriptive publications on methods for handling grievances, very few of the recommendations were buttressed by sound empirical evidence. In many instances, recommendations were advanced with appropriate modesty that acknowledged reservations about methodology and the risk in generalizing from the findings. All too often, however, these careful qualifications of the results have been forgotten, and only the suppositions contained in these pronouncements have survived, frequently as canons of industrial relations. While we do not claim that this literature has no validity, trade unionists should be aware of the important limitations of this body of work and exercise appropriate caution before accepting some of its conclusions. It is to these limitations that we turn briefly.

The few empirical data on grievances are spread across a large variety of topics. Consequently, there is not much published information on any given subject. Although the influence of a number of environmental and personal factors on grievance-filing behavior has been investigated, generally there are less than a half-dozen studies on any particular factor. For example, a 1988 review of the grievance literature by Professors Chalmer Labig and Charles Greer of Oklahoma State University reported only three studies of the effect of supervisory behavior on grievance initiation, and only one study of the impact of economic conditions on grievance rates. The fragmentary character of the research makes it difficult to assess the generality of the findings, i.e., the expectation that a particular factor would have a similar impact on grievances in other industrial relations settings. This problem is compounded because the "facts" uncovered in any given study on a particular topic frequently are contradicted by the

few other studies published on the same subject. For example, there was little consistency in the findings of the three studies reported by Labig and Greer on supervisory behavior. The conflicting results may be attributable to real differences in the relationship between supervisory behavior and grievance filing under different organizational conditions, or may be a consequence of differences and/or shortcomings in the methodologies of the three studies. Hence, a careful reading of the literature often does not provide a clear idea about how any particular factor influences grievance activity.

One reason that research on grievances has not become focussed on a few interesting issues is the absence of a theoretical framework to guide investigators. An important role for theory in any scientific endeavor is to narrow the scope of questions raised about a phenomenon to those involving conceptually-related variables. For example, theory has helped developments in the field of learning by underscoring the importance of variables such as motivation, conditions of practice, and individual ability. The lack of theory in grievance research has allowed study of the subject to become diffuse and less interesting to behavioral scientists.

Despite the fact that grievance systems are established to provide a measure of justice for workers, little research is conducted with individuals protected by a union contract. For many years researchers did not consult actual grievants about the satisfactoriness or fairness of grievance administration. Given the importance of subjective factors in perceptions of workplace justice, procedural recommendations for administering a grievance system are incomplete if they do not include the views of the grievants themselves. For example, in one of the first systematic studies involving grievants, Gordon and Professor Roger Bowlby found evidence that raised questions about the time-honored proposition that grievances should be resolved at the lowest step in the procedure. Approximately 325 workers described the most important grievance they had ever filed and finally resolved. The results showed that grievants' evaluations of the grievance system were unrelated to the step in the process at which settlement occurred. According to the grievants, the nature of the settlement rather than its promptness was the determining factor of attitudes toward the grievance system and the favorableness of the outcomes associated with its use. These findings suggest that union and/or management representatives involved in grievance resolution at the lowest levels may be limited in their ability to fashion meaningful solutions. (A survey of approximately 800 foremen in a national supervisory organization indicated that more than one-quarter said their authority to settle grievances was sharply curtailed by higher management.) Thus, the benefits derived from quick resolution may be outweighed in many instances by constraints that make it difficult for stewards and first-line supervisors to resolve issues through mutual problem-solving. Consultation with the membership recommends that unions should strive to improve the integrative quality of grievance settlements as well as their speed.

Finally, unions did not play an important part in most of the earlier studies of grievance systems. Archival data, the basis for a great deal of research on grievances, was almost always supplied by management. (Unions, as it turns out, frequently do not have reliable information on grievance cases.) Perhaps not coincidentally, some of the grievance issues investigated were matters that posed clear threats to union members (e.g., the identification of grievant profiles, discussed below). Because members' attitudes toward their unions are so closely tied to their perceptions of the manner in which grievances are handled, it would behoove organized labor to take a more proactive role in research on grievance administration.

Areas of Behavioral Research on Grievances

A thorough review of all behavioral research on grievances is too large an undertaking for this paper. (Readers are urged to consult the two review papers listed in the bibliography for more comprehensive descriptions and analyses of this literature.) Therefore, we will confine our remarks to only a few selected topics with the most immediate implications for trade unions.

Mediation of Grievances

Behavioral scientists and professional arbitrators collaborated on one of the most significant interdisciplinary studies of grievances. Mediation was proposed as a potentially quick and economical method of settling grievances prior to submitting issues to arbitration. Mediation of grievances was recommended in the coal industry to deal with the fact that miners often relied on wildcat strikes instead of the grievance procedure when disputes arose over contract interpretation. Also, arbitration was employed unnecessarily. It was quite common to arbitrate cases which were essentially the same as cases that had been decided earlier, and the contract was clear and the arbitrator's decision was obvious in many other instances. Lastly, the costs of arbitration were staggering in both economic and noneconomic terms: the transaction costs of arbitration in the coal industry exceeded $1,000,000 per year, and frequent arbitration caused chronic damage to relationships between the union and management.

The procedure proposed to the coal industry in 1980 gave the parties the option of submitting a grievance to mediation after the third step instead of sending the matter before an arbitrator. Mediation was informal: presentation of facts was done in a narrative fashion rather than through examination and cross-examination of witnesses. Legal rules of evidence were set aside, and transcripts of the proceedings were not prepared. Importantly, the parties were permitted to discuss any issue they considered relevant to the case, whether related to the contract or not. Mediators helped the parties resolve the grievances through interest negotiation that often went beyond the specific contractual issue. If no settlement seemed imminent, mediators rendered an oral opinion concerning the probable outcome were the matter submitted to an arbitrator. If the parties still were unable to resolve the grievance, it was sent to arbitration.

An experiment was undertaken to evaluate systematically the effectiveness of mediation. The results were very promising: 89 percent of the 153 grievances that were mediated were settled without arbitration during the first year of the study. A survey indicated substantial participant satisfaction with the procedure, and the cost and time savings were significant. Mediation cost less that one-third of arbitration and was accomplished in less than one-seventh the time. The success of the experiment led to express authorization of grievance mediation in the 1984 and 1988 national collective bargaining agreements between the United Mine Workers Association and the coal companies. However, the procedure has only been adopted in eight of the 22 UMWA districts. Where it is used, mediation continues to reduce the costs and time of settling grievances in comparison to arbitration. Finally, grievance mediation has been implemented in a number of other industries including urban mass transit, retail sales, local government, manufacturing, and electric power.

Personal Characteristics of Union Representatives

Behavioral research has found a number of links between grievance rates and the personal characteristics of union representatives. The motives, personality, attitudes, and experience of grievance committeemen and stewards are related to the propensity to support grievance action. Several dated studies showed that committeemen with political aspirations within their unions filed more grievances than less politically-active committeemen. The steward's personality may also affect his/her willingness to pursue a grievance in behalf of a constituent. Stewards with strong needs for achievement and dominance appear to be involved in greater numbers of grievances. Informal settlements of grievances with first-line supervisors are more likely when stewards have strong needs for autonomy, affiliation, and dominance.

Steward attitudes toward the union and company are predictably related to the encouragement of workers' pursuit of grievances. Favorable attitudes and strong commitment to the union are associated with higher rates of grievance initiation. Lower grievance rates are found among stewards with relatively favorable attitudes and strong commitment to the company.

The experience of union representation is associated with the number of grievances filed. Grievance rates tend to be higher in unions with inexperienced leadership, and there are generally more grievances filed that appear to lack merit. One explanation for these findings is that successful stewards require thorough knowledge of the contract and the ability to investigate and present a grievance to management. These characteristics generally are acquired with greater experience in the role of union representative.

Grievant Profiles

For a while at least, there was a flurry of publications describing the demographic characteristics of workers who filed grievances. Although the methodological sophistication of this research varied considerably, these studies were designed to determine whether various background variables (e.g., sex, age, race, or marital status) could be used to differentiate workers who had filed at least one grievance from those who had not used the system at all. The set of characteristics which identify the former constitute the grievant profile. With the exception of age (i.e., younger workers are more likely to file grievances), there is little consistency in the findings of this research. That is, a demographic factor linked with grievance filing in one study is rarely substantiated as a grievant characteristic in other studies.

The most troublesome aspect of this research is its largely unstated objective(s). Because theoretical issues never inspired this line of inquiry, one wonders what practical purpose(s) would be served by identifying the characteristics of workers who might file a grievance. An early writer stated that the identification of the grievant profile would help "American labor and industry in their ceaseless striving to arrive at a better understanding of their mutual problems." According to Michael Gordon and Sandra Miller, more recent researchers have been deafeningly silent on their practical objectives "and this causes uneasiness given the potential of this research for mischief." Unscrupulous managers might find a pretext for taking disciplinary action against workers possessing the profile of a grievant, and workers might be threatened unnecessarily and inappropriately were proneness to file a grievance used by employers as a basis for making personnel decisions (e.g., hiring, merit increases, transfer). Gordon and Miller called for a moratorium on this type of research, and nothing on this topic has been published in respected academic journals since 1981. Nevertheless, this does not imply that such research is not being performed quietly in employee relations departments. Unions would not have to be consulted before the work was done because companies generally possess the requisite archival data in their personnel files to conduct these studies on their own. Therefore, trade unions ought to be alert for research on grievant profiles and be aware of the limitations and implications of this work.

Grievance Handling and Union-Member Relations

Members evaluate their union primarily in terms of its ability to represent them when a grievance arises. In part, unions create these expectations that they will provide justice in the work place. For example, it would be a most unusual organizing campaign if the union did not promise to redress workers' grievances. Consequently, member satisfaction is likely to be related to perceptions of the union's record in protecting worker rights once it is certified. Several lines of evidence support this idea. Professor Thomas Kochan of the Massachusetts Institute of Technology reported that members in a national survey gave highest priority among union activities to the handling of grievances and matters of individual rights. Further, union failure to settle grievances equitably produces substantial member dissatisfaction and has been implicated in creating conditions that lead to decertification. Professors John Anderson, Gloria Busman, and Charles O'Reilly found that union failure to file grievances on behalf of the membership offered dissident leaders an issue that engendered sufficient dissatisfaction in the bargaining unit to make winning the decertification campaign substantially easier.

Direct evidence about the manner in which grievance handling influences member perceptions of their unions was gathered in a series of interrelated surveys conducted by the authors in eight unions. The studies were part of a program of research on grievance systems and workplace justice. The

participating unions represented workers in both the public and private sectors, and manufacturing and service industries. The workers involved performed a range of jobs including clerical, security, custodial, technician, and engineering. Approximately 2,000 workers completed usable questionnaires.

The studies were designed to test several propositions derived from theories of justice in social psychology. These theories distinguished two types of justice. Procedural justice refers to the fairness of the processes used to resolve disputes. The means whereby disputes are settled are the major concerns in procedural justice. By contrast, distributive justice refers to the fairness of the ends attained by invoking a dispute resolution procedure. When outcomes are judged to be equitable, the dispute resolution system is considered to provide distributive justice. The literature in social psychology suggested that the overall evaluation of a dispute resolution system is more closely tied to the procedural rather than the distributive justice it affords.

Scales of the procedural and distributive justice afforded by a grievance system were developed for the survey. The procedural justice scale contained questions concerning perceptions of favoritism or bias in the process (e.g., the quality of representation was determined by the worker's friendship with union officials) and the skill of union officials in resolving disputes. The questions on the distributive justice scale covered the outcomes available to the worker as a result of using the grievance system (e.g., protection of job security and the right to speak out on organizational issues). There was also a single question intended to measure the worker's overall evaluation of the grievance system.

A variety of satisfaction measures were included on the survey. These assessed satisfaction with the union, management, and various facets of the job (e.g., pay, job security, and the amount of decision making).

Consistent with behavioral theory, the overall evaluation of the grievance system was more closely related to the procedural rather than the distributive justice it provided. The procedures followed, more so than the outcomes obtained, were likely to influence overall judgments of the grievance system. Clearly, the principles of the system appear to be more significant than the current level of outcomes, although the latter should not be regarded as unimportant.

The results also demonstrated that satisfaction with the union was tied more closely to the evaluation of the grievance system than any of the other measures on the survey in all of the samples. For example, although a worker's satisfaction with pay and job security were correlated with their satisfaction with the union, the influence of these factors was small in comparison to that of the grievance system in determining feelings about the union. Satisfaction with "bread and butter" issues was a significant predictor of satisfaction with the union in all samples, but it was not the most significant in any.

Evaluation of the grievance system was also related to satisfaction with management, although not nearly as strongly as it was to satisfaction with the union. The best predictors of satisfaction with management were the various facets of job satisfaction, thereby suggesting two things. First, the union's reputation is more closely staked to the performance of the grievance system than is management's. Second, workers perceive that management has greater control over the design of jobs and the organizational reward system than the union. Therefore, pleasure or displeasure with one's work is more likely to be attributed to the actions of management.

Finally, behavioral theory indicated that both the procedural and distributive justice associated with a dispute resolution system is more important to individuals whose relationship to an institution is imposed rather than voluntary. In other words, people who are compelled to deal with an institution are more concerned about matters of justice than those whose relationship is voluntary. Because the survey was administered to workers covered by collective bargaining agreements with different types of union security clauses, it was possible to determine whether the relationship between evaluation of the grievance system and satisfaction with the union differed in agency and open shops. Based on the theory, it was anticipated that both procedural and distributive justice would be stronger determinants of satisfaction with the union for nonmembers than members in an agency shop. Nonmembers in an agency shop are compelled to pay union dues and, therefore, have an involuntary financial association with the union. In an open shop, the importance of the grievance system as a determinant of satisfaction

with the union was not expected to differ between members and nonmembers given the absence of constrained institutional relations for either group.

The results supported these predictions. Whereas, procedural and distributive justice were equally strong determinants of satisfaction with the union for members and nonmembers in the open shop, the justice measures differed significantly in their ability to predict satisfaction with the union for the two groups in the agency shop. Evaluations of the justice provided by the grievance system clearly was a more important influence on nonmembers' views of the union. One may conclude, therefore, that persons who are not required to pay for services rendered may content themselves to accept the contractual benefits without question. However, imposing a charge for that service increases worker expectations of the grievance system, and that which was acceptable when free is now more closely scrutinized.

Conclusion

While there are many shortcomings in behavioral research on grievances, the trend now appears toward more sophisticated research that involves workers and their unions. Hopefully, this newer work will be more useful to trade unions. Certainly, if there were any doubts, this research demonstrates the importance of contract administration procedures to the union and its relations with its constituents.

Annotated Bibliography

Gordon, M.E., & Miller, S.J. (1984). Grievances: A review of research and practice. Personnel Psychology, 37, 117-146.

This article summarizes research on individual characteristics that influence grievance filing. Methodological problems and ethical considerations associated with this research are discussed, and recommendations are made for improving of grievance procedures.

Labig, C.E., & Greer, C.R. (1988). Grievance initiation: A literature survey for future research. Journal of Labor Research, 9, 1-27.

This article nicely complements the Gordon and Miller review by examining contextual factors (e.g., technology, union and management policies) that influence grievance filing. Methodological recommendations and directions for future research are included.

Ury, W.L., Brett, J.M., & Goldberg, S.B. (1988). Getting disputes resolved: Designing systems to cut the cost of conflict. San Francisco: Josey-Bass.

This book provides abundant information about mediating grievances, and was prepared by scholars who were responsible for developing and implementing the procedure in the coal industry. It is written primarily for industrial relations practitioners.

Building Member Commitment to the Union:
The Role of the Grievance Procedure

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Membership commitment to the union is one of the most fundamental concerns of labor organizations at the local, regional, and national levels. The effectiveness of unions in organizing, bargaining, retaining membership, and political action is dependent, to a great extent, on the level of commitment a union is able to generate among its members and potential members. In recent years, shifting economic, political, and social conditions have caused a large number of unions, as well as the AFL-CIO, to reevaluate their roles, functions, and strategies in an effort to better meet the challenges facing the labor movement in the years ahead. Many of the recommendations that have resulted from these self-examinations are aimed at increasing commitment among trade union membership.

University researchers have become interested in union commitment, and a number have worked closely with local and national labor organizations in an effort to shed more light on this important issue through membership attitude surveys. The result has been the identification of several factors that play an important role in shaping union commitment, generally defined as how loyal a member is to the union, how willing that member is to help with the work of the union, how much responsibility the member feels toward the union, and how strongly he/she believes in the principles of unionism.

We have been interested for some time in trying to determine what factors are responsible for the growth of union commitment. In trying to answer this question, we conducted a national survey of the members of a large public sector union. Interestingly, our findings, point to the importance of the grievance procedure in shaping member commitment. We will discuss these results and their implications for trade unions.

The Survey

The data were collected by means of a mail survey of the membership of the National Association of Letter Carriers (NALC). The university researchers who conducted the survey sent questionnaires to every 60th person on the NALC's computerized mailing list of active members. The questionnaire was mailed to each member's home and returned directly to a university address. Members were asked not to include their names or any other information that might identify them. A total of 1,080 completed questionnaires were returned, which represents 35 percent of the initial sample.

The survey was intended to gather information on how members view the grievance procedure in their workplace and determine the degree to which their attitudes toward this process are related to their level of commitment to the union. Union commitment was measured with questions taken from a set of scales developed in 1980 to do research on union commitment. Members' attitudes toward the grievance procedure were measured using questions specifically developed for this study.

Member Attitude Toward the Grievance Procedure

An important objective of this study was to capture the feelings of union members toward the grievance procedure in their workplace. Through a lengthy and involved process that included interviews with union members and officers, the preliminary testing of large numbers of questions, and the use of statistical techniques, 23 questions focusing on the grievance procedure were included in the national questionnaire. The analysis of member responses to those questions provided some valuable insights into how members view this important process.

Basically, the results suggested that union members do not have only a single opinion of the grievance procedure (e.g. the grievance procedure is not viewed as either good or bad). Rather, members tend to develop attitudes toward components of the grievance system and judge each part of the process separately from the others. Specifically, members develop attitudes toward four identifiable aspects of the grievance system. These are:

- ***EFFECT ON THE WORKPLACE.*** *This aspect involves the degree to which the grievance procedure in the workplace enhances equity, dignity, and protection from arbitrary action by the employer. It also includes questions specifically addressing member views of the grievance procedure as a means of providing increased worker "voice" and inducing greater fact-finding effort by the employer. This aspect, more than the other three, appears to focus on the "end results" of the process.*

- ***PROCESS.*** *This dimension reflects union member perceptions of the grievance procedure in terms of the process itself. The questions in this area specifically focused upon the degree to which the grievance procedure is viewed as a "fair" process for resolving disputes, and the extent to which it is viewed as a "timely" or "speedy" procedure for dispute resolution.*

- ***REPRESENTATION.*** *This aspect focuses on the way the member views the union's performance in representing workers and workers' interests in the grievance procedure, including the degree to which members are kept informed of the progress of grievances, the skill the union employs in handling the case, and the achievement of satisfactory results. Interestingly, attitudes about PROCESS and REPRESENTATION were more favorable than those about EFFECT - i.e., members were more satisfied with the manner in which the union handled grievances than the "end results" obtained for the member.*

- ***IMPORTANCE.*** *This dimension reflects the general or overall value or importance the member attaches to the presence of the grievance procedure in the employment relationship. Respondents had the most favorable attitudes about this aspect of the grievance system - i.e., they were most pleased by the fact that a system for providing due process was available should a worker need it.*

These findings suggest some interesting things about the way NALC members view the grievance procedure. The favorable attitudes toward the "importance" dimension suggest that regardless of anything else, NALC members see the grievance procedure as being a very important mechanism in the workplace. This view of the grievance procedure seemed to hold true whether the process was perceived as having a useful impact on the workplace, or whether the union was seen as doing a good job in its "representation" function.

A similar observation can be made about the relationship between the EFFECT and REPRESENTATION dimensions. On average, the members responding to the survey were much more positive about the manner in which the union performed its representation function than they were about the outcome of the grievance procedure on the workplace. This may suggest that NALC members

understand that the end result of the grievance procedure is not solely the responsibility of the union. As the employer plays a significant role in determining the outcomes of grievances, these results seem to suggest a recognition by the members that the union can do a good job representing its constituents and still not achieve a result about which the members can be enthusiastic.

Role of the Grievance Procedure in Shaping Union Commitment

In order to explore the role that the grievance procedure plays in shaping member commitment to the union, statistical methods were employed to compare the influence of numerous union, workplace, and demographic factors on union commitment relative to the influence of member attitude toward the grievance procedure. Table 1 lists the individual factor s found to be important and unimportant in shaping commitment to the union. Four variables – REPRESENTATION, IMPORTANCE, INFORMATION (the level of information the member possesses concerning the collective bargaining and grievance processes), and STEWARD (the member's attitude toward the steward in his/her workplace) were found to have the most influence on union commitment.

Table 1

IMPORTANT	UNIMPORTANT
-REPRESENTATION	-EFFECT
-IMPORTANCE	-AGE
-INFORMATION	-GENDER
-STEWARD	-JOB TENURE
	-SIZE OF LOCAL UNION
	-GEOGRAPHIC LOCATION
	-PREVIOUS UNION MEMBERSHIP
	-WORKED PREVIOUSLY IN NON-UNION WORKPLACE
	-SATISFACTION WITH WAGES AND BENEFITS

The results suggest that among the four aspects of the grievance procedure the NALC members consider when they evaluate the process, two have the greatest impact on member commitment. REPRESENTATION indicates the way the member views the union's performance in representing workers and worker interests in the grievance procedure. IMPORTANCE is a more general measure of the value the member places on the presence of the grievance procedure in the workplace. Both of these aspects of attitudes toward the grievance procedure reflect a significant concern with due process and the benefits of voice. It is interesting to note that EFFECT, the aspect of the grievance system most directly concerned with outcomes, was found not to have a direct influence on member commitment to the union. This lack of a direct relationship between union commitment and grievance outcomes may reflect a

recognition on the member's part that the union is not solely responsible for the final resolution of grievances.

The two other variables found to play important roles in shaping union commitment also indirectly involve the grievance procedure. INFORMATION addresses how much knowledge the member possesses about the structure and mechanics of the grievance process. STEWARD represents the member's perception of the skill and availability of the steward in the filing and processing of grievances. These findings provide further evidence that the grievance procedure plays an important role in shaping union commitment.

Discussion and Implications

The results of this study concerning the relationship between the grievance procedure and union commitment are of particular significance as the grievance mechanism has largely been ignored in prior research focusing on member attachment to the union. Previous research in this area has largely accepted the notion that members are tied to their union mostly on the basis of the economic benefits they receive as a result of membership. This research suggests that, at least in the case of the NALC, the kind of non-economic benefits the grievance procedure brings to the workplace -- whether it be termed voice, due process, industrial democracy -- is also critically important.

Of the numerous factors examined in this study as influencing union commitment, REPRESENTATION emerged as a variable having a potentially great impact. Assuming that the views and attitudes of NALC members are similar to those of members of other trade unions, this finding suggests that one of the steps unions can take to achieve their goal of increasing union commitment is to improve the manner in which members are represented in the grievance procedure. For many trade unions, this conclusion simply reaffirms what they have long believed: Unions benefit from an effectively functioning grievance procedure. Representing members is one of the most visible services unions provide. This mechanism, more so than contract negotiations, legislative activity, or virtually any other union service, operates at the workplace level. It provides members with an opportunity to see the union "in action" in a way that few union services are seen. In addition, the nature of grievances filed by individuals are such that the issues involved are almost always perceived, at least by the grievants, as extremely salient. This is often not the case with union political or bargaining concerns of greater scope.

However, improving union representation in the grievance procedure is a complex undertaking. Among the approaches some unions have employed to achieve this goal are increasing the number of professional staff involved in grievance processing, increasing the amount and effectiveness of training programs for representatives at both the local and staff levels, and implementing improved systems for tracking and monitoring grievances. These approaches undoubtedly are costly and necessarily involve a reallocation of resources within the union. At a time when some labor organizations are experiencing declining memberships and revenues, this may be a step that a few unions would find difficult to take. In the long run, however, these and other measures may be cost-effective means of building union commitment.

In formulating these programs and approaches, unions and union leaders should bear in mind that the findings of this study suggest that procedural concerns play an important role in shaping perceptions of the grievance system. Unions should recognize that their performance in providing due process protection will be judged not solely on outcomes, but also on concerns with process. Recognition of this fact increases the opportunities unions have to positively influence member commitment to the union.

A second related factor found to play a significant role in shaping union commitment is the general value or importance a member places on the presence of the grievance procedure in the workplace. Increasing a member's perception of the importance of the grievance process is, again, not a simple task. Among other things it involves educating members about the benefits and protections that accrue as a result of the presence of a due process mechanism in the workplace. Contrasting the right to due process available in a unionized workplace with the absence of such rights in most non-union

places of employment is one approach to conveying its importance. Emphasizing the fact that the grievance procedure plays a role in the workplace analogous to the judicial system in society at large points out the critical role the process plays in bringing democracy to the employment relationship.

Many opportunities exist to educate members about the role of the grievance procedure. New member orientation programs, union publications, labor education classes, and regular union meetings all provide forums for emphasizing the critical nature of this mechanism. This may be one message that cannot be repeated too often.

A third variable identified as an important correlate of union commitment is the level of information a member possesses about the collective bargaining and grievance processes. Among the items included in measuring this variable were questions concerning the member's knowledge of the process involved in filing a grievance and knowledge of the grievance procedure once a complaint has been filed. Other items addressed the amount of information a member had about the content of the local and national collective bargaining agreements. If a member's commitment to the union is directly related to the level of information a member possesses in these two areas, union resources might productively be directed to better informing members on these topics. This area could, again, be given increased attention in union publications, at union meetings, in new member orientation sessions, as well as by union stewards in their day-to-day dealings with the membership.

Finally, the member's view of his or her steward is also influential in shaping union commitment. Specifically, where a member perceives the steward to be skilled and available to assist the member, that member is likely to have a higher level of commitment to the union than where a steward is viewed as unskilled and unavailable. This conclusion has a great deal of intuitive appeal. Clearly, the steward in the workplace is the major point of contact with the union for many workers. When this is the case, the steward becomes, as many steward manuals point out, the union personified. In these instances, the steward potentially can influence how the member feels about the union. And if the grievance procedure plays an important role in shaping union commitment, the critical role the steward plays in that process provides additional opportunities to influence commitment to the union.

The relationship between member attitudes toward the steward and union commitment supports the traditional emphasis that unions have placed on education and training programs designed to improve the skills of stewards. It also indicates that training programs focusing on improving the performance of stewards in the grievance procedure are a particularly sound investment. If trade unions desire to increase the level of commitment of their members, they might consider increasing the level and quality of their education programs. This conclusion is consistent with the recommendations contained in the 1985 AFL-CIO report, "The Changing Situation of Workers and Their Unions," which recommended that unions devote more resources to training opportunities for local union leaders.

Another related issue that unions might consider involves the selection and retention of stewards. While many unions dedicate considerable time and resources to the selection and support of their stewards, many do not. Given the crucial role played by the steward, it is clearly important that trade unions attract the most competent members available to assume these responsibilities. Unfortunately, this is not always the case. Often, the steward's job is viewed as undesirable, making it difficult to attract the most qualified members.

One approach to changing this situation would be for unions to create more incentives for members to accept appointment or election as steward. These incentives could take the form of better compensation, in pay or time off; better support from the union and union staff; and, greater efforts to increase the status of the position by according it more attention in union publications and at union meetings. The position might also be made more attractive by creating "symbols" of office, like apparel, materials, social function, and office space. Attracting better candidates would have a direct impact on the skill level of the steward, and this is likely to instill member confidence in the grievance system and increase loyalty to the union.

Summary

Our study provides objective, documented evidence supporting what many unions and union leaders have long understood–the grievance procedure is among the most important services a union provides its members. Members' perceptions of the grievance process are closely related to the level of union commitment. The findings, hopefully, will serve to refocus attention on the importance of effective grievance administration.

While the research examined on the attitudes of members from only one union, there is reason to believe that the findings hold great relevance for most unions. In order, however, to be certain that these results do apply to other unions and union members, and to explore member attitudes toward the grievance procedure in more depth, further studies focusing on different groups of union members need to be conducted. The data gathered in the course of such research can potentially assist union leaders in making informed decisions about union policies and practices.

Annotated Bibliography

Gordon, M.E., & Fitzgibbons, W.J. (1979). Unions and psychology-an updated view. AFL-CIO American Federationist, 86 *(9), 14-18.*

Contains a non-technical discussion of the different aspects of union commitment.

Gordon, M.E., Philpot, J.W., Burt, R.E., Thompson, C.A., & Spiller, W.E. (1980). Commitment to the union: Development of a measure and an examination of its correlates. Journal of Applied Psychology, 65, *479-499.*

Contains a technical report on the development of the scales for measuring union commitment. Also, preliminary findings are presented on various background characteristics of committed members and the nature of socialization experiences that are associated with the development of union commitment. These early findings have been verified in subsequent reports.

Clark, P.F., Gallagher, D.G., & Pavlak, T.J. (1989). Due process in the workplace: Union member attitudes toward the grievance procedure.

Contains a more technical presentation on the development of the scales used to measure attitudes toward the grievance system and union commitment. Also, more information is provided on the details of the survey. Copies available by writing to the first author at: Department of Labor Studies and Industrial Relations, Pennsylvania State University, 3550 Seventh Street Road, New Kensington, PA 15068.

Grievance Resolution -- The TVA Experience

by
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The grievance procedure within a negotiated labor agreement performs a similar function in the workplace as the judicial system performs in society. Like the judicial system, the grievance procedure not only provides a forum for the settlement of disputes and a means of enforcing the proper administration of the contract, but it also offers a method for fine tuning or interpreting the provisions of the labor agreement -- the "law" of the workplace. Labor relations specialists on both sides emphasize the grievance procedure as a means of contract interpretation. However, one important function of the dispute resolution procedure does not receive sufficient attention -- i.e., the settlement of grievances provides a forum for workplace communication.

The nature of grievance administration and the purposes for which it is established require that the structure of the procedure accommodate the peculiar nature and needs of the organizations or parties it serves. Although the progressive steps or stages of the grievance procedure are designed to ultimately provide an end to the dispute, the goals of the parties (e.g., industrial justice, interpretation of the labor agreement, and workplace communication) can best be served when issues are resolved at the lowest levels of the grievance procedure. Resolving issues at the lowest levels produces savings in time and dollars, and helps to ensure industrial peace. First or second-step resolution also allows the dispute to be settled in-house without interference of a third party, thereby affording greater authority and control for both parties.

The degree of success the parties achieve in resolving issues depends on the dedication of all parties to utilizing a clinical approach in dispute resolution, the authority of the parties to resolve issues at the lower stages, the structure of the dispute resolution system, and the extent to which the parties have developed the necessary communication and trust to resolve grievance issues. We will examine these elements for successful resolution as they apply to the dispute resolution procedure established by the Tennessee Valley Authority and its five professional and white-collar labor organizations.

Background

The Tennessee Valley Authority (TVA), an independent agency of the Federal government, has existed since 1933 when Congress passed the TVA Act to create "a corporation clothed with the power of government but possessed of the flexibility and initiative of private enterprise." The development and conservation of natural resources throughout the seven-state Tennessee Valley was the general mission with which the agency was charged at its inception. TVA continues to achieve this goal through its involvement in the production and distribution of electric power, and in its continued development of agricultural, economic and natural resources. Although revenues from the sale of power fund the power system, the other programs are primarily funded by Congressional appropriations.

The Salary Policy Employee Panel (Panel) is the recognized bargaining representative for the professional, technical, white-collar, service and safety unions at TVA. The Panel, composed of five labor organizations, has the authority to bind the unions individually or collectively as a Panel in any negotiations with TVA. The first agreement between TVA and the Panel was negotiated in 1950 and the relationship has continued to the present time. Union-management relations at TVA are not covered by the National Labor Relations Act.

TVA and the Panel have a 45-year history of successful labor relations. TVA led the country in its labor relations policies. The Authority helped to create a pro-labor environment with its early acceptance of trade unions as an integral and necessary part of the agency, and its acceptance and encouragement of professional and white-collar unionization. TVA was, in fact, used as a model of "good" labor relations for companies in the private sector. Over the years, the relationship between the

parties has changed from one of mutual cooperation to one of open hostility in the late 1970s and early 1980s. Only in the late 1980s has there been a return to an attitude of guarded mutual acceptance.

The grievance process negotiated by TVA and the Panel follows much the same pattern as grievance procedures typically found in the private sector, providing steps progressing from informal discussion between stewards and line managers, to arbitration before an impartial third party. Prior to filing a formal grievance, the TVA employee and the job steward attempt to resolve the issue through informal discussions with management responsible for the action or proposed action. If the issue cannot be resolved at this level, a formal grievance may be filed at the "Division" level. Formal division-level hearings may be held at this stage and the issue may be resolved, or a decision may be rendered without a hearing. Typically, the hearing officer is a line manager or personnel officer within the division in which the grievance was initiated. In the third step of the grievance procedure, the "Labor Relations" stage, the manager of Labor Relations or a designated representative convenes the parties to either resolve the grievance or issue a decision.

The final stage of the grievance process is actually two separate processes and creates a dual ladder in the TVA grievance system. The labor agreement provides for binding arbitration over grievances involving a disciplinary action or a claim of misapplication or misinterpretation of a provision in the supplementary agreements. Issues related to typical "management rights" clauses or to the misapplication of an established TVA policy are adjudicated through a Tripartite Appeal procedure. The Manager of Labor Relations, the Panel Secretary, and an Arbitrator selected by both parties, comprise the Tripartite Board whose decisions are binding upon unanimous agreement, and advisory only if a majority opinion. The development of this grievance procedure and the success of the process in resolving problems in the workplace has been an evolutionary process established to address some of the unique structural and operational characteristics of the Authority.

Personnel policy and the labor agreement are implemented by the myriad of policies established by TVA and its respective divisions. TVA, much like a large private corporation, is divided into numerous divisions with different goals and objectives, operating budgets and operational characteristics. Each division may construct division-wide policies within overall TVA corporate guidelines. These policies cover a wide range of issues including sick leave, fitness for duty, and travel. The divisions typically act autonomously in developing policy and processing grievances. Divisional autonomy has thus created a power structure which compels the grievance process to accommodate or allow division-level management an opportunity to adjudicate a grievance prior to a corporate-level evaluation and decision.

Although division-level management is, by contract, provided the opportunity and authority to resolve a grievant's issue or overturn the actions of lower-level managers, a number of divisions in TVA have not accepted this responsibility in full. Division-level hearing officers typically have been involved in the initiation of the action which produced the grievance or complaint, therefore creating a conflict or bias in the decision at this level. Traditionally, the division hearing officers are either line managers with little or no knowledge of the labor agreement and labor relations policy, or a human resource officer with little or no authority over line management with whom the grievance was filed. Therefore, many divisions elect to provide a division response to a grievance without holding a hearing or conference.

TVA's overall reliance on policy as a means of implementing personnel decisions has intensified the Panel's need to retain a method by which an outside party may evaluate questions raised concerning TVA's application of these policies. Prior to the negotiations of 1984, the misapplication of a policy was subject to final and binding arbitration. The Panel organizations lost this right in that year's negotiations. In its attempts to restore, at least in part, the unions' right to challenge TVA's actions with regard to the application of policy and issues traditionally referred to as "management prerogatives," the parties negotiated the Tripartite Appeals Procedure.

TVA's reliance on policy to more thoroughly outline the provisions of the contract and TVA's geographical dispersion are both potential barriers to open communication between the parties and, consequently, to the resolution of grievances. TVA's use of policy makes it difficult for job stewards, line managers, and employees to have a thorough knowledge of their workplace rights and responsibilities. Material explaining these rights is not easily accessible and management training in

personnel matters is minimal. These communication problems hamper informal resolution of an employee's concerns prior to the official filing of a grievance.

TVA's geographical separation by division and by site hampers settlement. Authority and responsibility for the site and all personnel actions at the site often are delegated to a plant or site director. Although this concentration of authority is conducive to the resolution of problems at lower levels, management at this level is generally unfamiliar with the provisions of the labor agreement and personnel policy. In addition, geographical separation and site structure require greater union reliance upon job stewards to identify contract and policy violations, and to resolve these at the source. Adequate training and improved communication between these job stewards and line managers must be established before the parties can anticipate grievance resolution at this informal stage of the procedure.

TVA and the Panel organizations are successfully addressing some of these needs through enhanced training of stewards and line managers, and by improving communication not only between management and the employee, but also within and among the union organizations. To this end, the TVA Engineering Association, the labor organization representing the engineering, professional and technical employees in TVA, has sponsored joint EA/TVA communication luncheons and joint training meetings. Despite the barriers or stumbling blocks to resolution, the parties at TVA have, in many instances, successfully overcome these barriers to resolve grievance issues rather than forcing all issues to a third party for decision.

The Clinical Approach

In his labor relations text, Harold Davey discussed the advantage of utilizing a clinical approach rather than a legalistic approach to the grievance procedure.

The clinical approach allows for the processing of any grievance which serves as a method of communication and catharsis and as a means of determining the true basis for a grievant's problem. The clinical approach stresses thorough investigation and treatment of the problems that may underlie the grievances rather than mechanistic handling according to whether or not they lie within the contractual frame of reference.

Davey recommends confining issues of contract interpretation and application to arbitration while addressing other types of problems, whether considered grievable or not, to the lower stages of the grievance procedure.

The clinical approach has proven most successful at the "Labor Relations" stage in TVA. Contractually, TVA is required to hold a hearing at this stage for the purpose of seeking adjustment or for obtaining information or clarification in order to make a decision. A hearing compels the parties to address the issues or problems and allows the parties an opportunity to discuss in detail the underlying problems associated with the grievance. Those directly involved in the grievance have the opportunity to vent their differences and examine the emotions which are inevitably intertwined with the logic of the issue.

Although a hearing or conference is necessary for the success of the clinical approach, it is not sufficient. The parties at this (or any level) must be committed to understanding and resolving the situation that gave rise to the problem rather than treating the symptom – the grievance. The clinical approach has allowed for the settlement of grievances at the lower stages of the process at TVA. Since the late 1980s, more than eighty-seven percent of all grievances filed have been resolved prior to arbitration or Tripartite Appeal.

Although the parties have been successful at resolving grievances prior to arbitration, the goal of resolving at the lowest levels of the process has yet to be realized in all of TVA's divisions. Successful resolution has been obtained most often at the "Labor Relations" level, but has fared well in relatively few of the divisions. The success of the clinical approach is directly related to the knowledge, experience, and personalities of the hearing officer and the parties. To obtain successful resolution, the hearing officer must be willing to hold a conference to hear and discuss the issue, and to resolve the problem rather than focusing only on the contractual appropriateness of the issue. To achieve resolution, the

hearing officer must initially play a role similar to that of a mediator and, if resolution or agreement is not reached, the role of an arbitrator.

Good hearing officers at the Labor Relations stage have successfully fulfilled both these roles. Initially, the officer allows both parties to present their case and to "have their say." He/she is actively involved in the conference, asking penetrating questions of both sides, and utilizing active listening skills. As "mediator", the officer must first fully understand the underlying goals and objectives of the parties to the grievance. In the early moments of the conference, this skill is far more vital than is the officer's knowledge of the contract. To find the common ground upon which resolution can be built, the "mediator" must first understand the issue completely from each party's view point.

After obtaining an understanding of the two positions, the hearing officer must utilize his/her knowledge of the contract, previous arbitration awards, and previous interpretations of the contract to inform both parties that their positions are vulnerable, thereby convincing both sides of the necessity to settle the problem. Contractual knowledge is required to propose realistic solutions which may be readily implemented and draw little attention to the resolution. This latter aspect is important in preserving a win-win attitude from both sides. Publicity of an agreement as a win by either party will discourage future agreements by the "losing" party.

Resolution of a service review grievance may be used to exemplify the clinical approach. An employee filed a grievance over his service review which inserted his "abuse" of sick leave. Management insisted on recording the sick leave abuse on the service review because it allegedly could not rely upon the employee in the scheduling of work due to frequent absenteeism. The union and employee insisted that sick leave could not be placed in the service review because management had failed to document that the alleged "abuse" of sick leave had impacted employee performance. During the hearing, the manager communicated his constant frustration with the employee's frequent absences and the problems they were creating for the employee's fellow workers. The employee explained his frustration with management's unwillingness to recognize his contribution to the group (e.g., he developed more efficient methods of performing work) and misunderstanding of his sensitivity to cigarette smoke stemming from sinus problems. During the conference, management acknowledged its failure to provide proper counseling and instruction to the employee, and its oversight in documenting the performance problem.

The parties resolved the complaint. Management agreed to issue an instruction letter for the employee to follow in providing proper notification of absence, and outlined what constituted proper documentation for sick leave approval. Management agreed to change the service review rating from "Marginal" to "Fully Adequate," agreed to define a smoking area in the workplace, and agreed to hold periodic communication meetings with employees to discuss alternative work methods. The employee agreed to seek employee assistance counseling. The resolution addressed the concerns of all parties and provided a means by which the employee's performance would improve or be documented.

If resolution had not been reached, the hearing officer would have exchanged his mediator hat for that of arbitrator. He would have issued a decision based on the evidence presented and the employee might have won the grievance. However, the real concerns of neither party would have been addressed as thoroughly by a third-party decision.

The clinical approach is implemented most successfully in divisions that conduct division level conferences for grievance administration. Line managers in these divisions are dedicated to communicating with employees and resolving problems. Although these divisions may, for the record, raise the question of timeliness and grievability, the merits of the case are still discussed and in most cases resolved. These decisions utilize the grievance hearing as a communication forum and as a classroom for their managers and employees. The parties not only learn the relevant contractual provisions, but, more importantly, learn the art and science of communication. The grievance conference is a forum for workplace communication that teaches communication skills to workers and line managers which can then be utilized at the informal level. The conference also serves the purpose of proving to the employee that management is willing to listen or will be compelled to listen in a grievance conference.

Communication skills and a willingness to hear and understand both sides may compensate for inexperience. For example, a hearing officer in one division with little experience in contract interpretation relied upon communication skills and a problem-solving orientation to achieve a 90% resolution rate. In addition, the division officer and advocate routinely were encouraged to deal with the root of the problem, not just the grievance. The successful divisions utilize the information which surfaces during the conference to correct the underlying issues.

Using the grievance hearing as a communication forum is nowhere more vital than in cases of nonselection to positions. The nature of this type of grievance makes it imperative that the conference is non-adversarial. If the case is decided and the employee "wins," he/she will be working for a manager who did not, by choice, select him/her for the position. In many nonselection cases the employee's purpose is to obtain information and an understanding of why he/she was not selected. Lack of information access forces the use of a grievance to obtain relevant data for the employee. In numerous cases the grievance is resolved at the division stage once the employee understands the criteria utilized in the selection process. In addition, the conference serves to point out areas in which the grievant has had difficulty "selling himself/herself" when applying for another job. As a result of looking at selection information through the eyes of the selecting supervisor, employees may alter their application to emphasize other aspects of their backgrounds and training. In fact, the grievance process has often served as a job interview that results in another job offer.

Knowledge of the contract is also an important element to successful grievance resolution. Knowledge of and expertise in contract interpretation provides the parties with the necessary sense of security to make on-the-spot commitments. Greater knowledge and experience of the parties effectively reduces reliance on "outsiders" or "experts" prior to making decisions. Experience provides both parties with the assurance that the decisions made will not be incongruent with policy, procedure, and precedent, and that their judgements, therefore, are unlikely to be questioned.

The large number of reorganizations and RIF's throughout TVA over the past two years has depleted the ranks of those responsible for grievance processing. This increased instability appears to be coupled with management's increased reliance upon other TVA organizations to conduct investigations and to provide contract interpretation and recommendations in grievance actions. The increased reliance upon other in-house specialty organizations effectively isolates the participants in the grievance process from making decisions and resolving issues. Many managers now delegate their authority to deal with grievances and solve problems to the Office of the Inspector General (OIG) and the Office of General Counsel (OGC) corporate legal staff. This trend has resulted in TVA being unable, or at least unwilling, to alter its position in the grievance process. Participation by TVA's in-house counsel is proving harmful to the successful resolution of issues at the lower stages of the grievance process and has provoked more frequent settlement of grievances through arbitration and the Tripartite Board. This increasing reliance on "outside" parties has led to a more legalistic rather than a clinical approach to the grievance procedure. The legalistic approach typically defeats several of the primary functions of the grievance procedure, in particular the use of the system as a means of communication and problem-solving.

The shortcomings of the legalistic approach may be illustrated with a travel pay issue which was ultimately appealed and heard under the Tripartite Appeals procedure. In the case, TVA management unofficially concurred with the union that the grievant had relied on information from his manager in making decisions regarding his travel and, therefore, should be paid. The arbitrator and Panel Secretary formally agreed. However, TVA refused to implement the advisory decision due to management's consultation with general counsel in the early stages of the grievance process. In this case, line management wanted to and could have resolved the issue at a lower stage in the grievance process. However, once the personnel officer contacted the general counsel for advice, TVA's position became inflexible throughout the entire process. A more experienced labor relations expert who was knowledgeable of the contract could have resolved the issue without requesting assistance from these legal and investigative branches. More thorough training of the grievance arena participants would help to avoid such legalistic intrusions.

Although labor organizations have little, if no control over the stability and experience of the management grievance team, increased expertise on the union side will help facilitate the process of resolution. Increasing the level of expertise of the job stewards effectively provides a more reliable and more accessible resource for line managers. The job steward has the greatest access to line management and often utilizes informal discussions regarding workplace problems to educate the manager with regard to the provisions of the labor agreement.

Overall, the parties' dedication to the clinical approach at TVA has proven to be a successful means of resolving workplace disputes and providing industrial justice. More importantly, this approach to resolving workplace problems has created a forum for employee/labor/management communication. The parties have overcome many of the institutional barriers to the successful resolution of grievances and continue to find new methods to improve the process. A key element in overcoming current and future barriers appears to be the institution of communication networks between and within the labor and management organizations and an emphasis on training. Although contract interpretation workshops are a necessity, the parties must continue to instruct all parties, at all levels, in the art and science of communication.

Bibliography

Davey, H.W., Bognanno, M.F., & Estenson, D.L. (1982). Contemporary collective bargaining, 4th ed. Englewood Cliffs, J.J.: Prentice-Hall.

Chapter 7 of this widely-read text deals with contract administration. The authors contrast the clinical and legal (contractual) approaches to grievance adjustment, and stress the importance of the thorough investigation and treatment of the problems underlying an alleged violation of the contract.